

Environmental Protection Agency

§ 52.1388

(4) The Fort Peck Indian Reservation is designated Class I.

[42 FR 40697, Aug. 11, 1977, as amended at 47 FR 23928, June 2, 1982; 48 FR 20233, May 5, 1983; 49 FR 4735, Feb. 8, 1984; 53 FR 48645, Dec. 2, 1988; 55 FR 19262, May 9, 1990; 55 FR 22333, June 1, 1990]

§ 52.1384 Emission control regulations.

(a) [Reserved]

(b) The provisions for the open burning of creosote-treated railroad ties in the Administrative Rules of Montana (ARM) 16.8.1302 and 16.8.1307, which were submitted by the Governor on April 9, 1991, are disapproved because:

(1) The regulations do not adequately demonstrate how public health and welfare will be protected, in direct conflict with section 75-2-102 of the Montana Clean Air Act, as approved in the SIP;

(2) The regulations do not satisfy the enforcement imperatives of section 110(a)(2) of the Clean Air Act, which require that a plan contain enforceable emission limitations and a program for determining compliance; and

(3) The revised regulations relax the control of emissions without any accompanying analysis demonstrating that these relaxations will not interfere with attainment and maintenance of the PM-10 national ambient air quality standards, and without any accompanying analysis demonstrating the potential impact on PM-10 non-attainment areas in the State and whether equivalent or greater emission reductions are insured in such areas, per the requirements of sections 110(1) and 193 of the amended Clean Air Act.

(c) The provisions in ARM 16.8.1425(1)(c) and (2)(d) of the State's rule regulating hydrocarbon emissions from petroleum products, which were submitted by the Governor of Montana on May 17, 1994 and which allow discretion by the State to allow different equipment than that required by this rule, are disapproved. Such discretion cannot be allowed without requiring EPA review and approval of the alternative equipment to ensure that it is

equivalent in efficiency to that equipment required in the approved SIP.

[57 FR 57347, Dec. 4, 1992, as amended at 57 FR 60486, Dec. 21, 1993; 60 FR 36722, July 18, 1995]

§ 52.1385 Source surveillance.

(a) Part D—Conditional Approval—The requirements of section 110 of the Clean Air Act are not met since the State does not specify source testing procedures in many of its emission limitations. However, this section is approved provided the State submits a list of acceptable source test methods for each emission limitation by August 1, 1980.

[45 FR 62985, Sept. 23, 1980]

§ 52.1386 [Reserved]

§ 52.1387 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated into the applicable plan for the State of Montana.

[52 FR 45138, Nov. 24, 1987]

§ 52.1388 Stack height regulations.

The State of Montana has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F. 2d 1224 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 6, 1988, Jeffrey T. Chaffee, Chief, Air Quality Bureau, stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA's response to the NRDC remand modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comply with the EPA's modified requirements. The State of Montana agrees to make the appropriate changes.

[54 FR 24341, June 7, 1989. Redesignated at 55 FR 19262, May 9, 1990]